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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ALEXANDER JOHN LINSALATO,

Defendant and Appellant.

B226248

(Los Angeles County
Super. Ct. No. GA079567)

APPEAL from a judgment of the Superior Court of Los Angeles County.

Laura F. Priver, Judge. Affirmed.

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Alexander Linsalato appeals from the judgment entered against him following his plea of no contest to one count of receiving stolen property (Pen. Code, § 496, subd. (a)) and one count of possession of a controlled substance. (Health & Saf. Code, § 11377, subd. (a).)

Appellant entered his plea after the denial of his motion to suppress evidence under Penal Code section 1538.5 and the denial of his motion under Penal Code section 995, made on the ground that the evidence should have been suppressed.

At the preliminary hearing and hearing on the Penal Code section 1538.5 motion, the parties stipulated that there was no arrest or search warrant. Sheriff's Deputy Wayne Goodrich testified to the following: He observed appellant wandering through the parking lot of a liquor store. He asked appellant his name and where he was headed. Appellant gave his name and said he was going to a bus stop. Appellant then proceeded to the bus stop. Deputy Goodrich turned his car around, went to the bus stop, and engaged appellant in conversation. After about 30 seconds, Deputy Goodrich got out of the patrol car, but he at no point ordered appellant to do anything or told him that he was not free to leave. During the conversation, Deputy Goodrich observed that appellant was nervous, fidgety, and had a white film on his tongue, so that the deputy believed that appellant was under the influence.

After about five minutes of conversation, Deputy Goodrich asked appellant for his identification. Appellant provided it. Deputy Goodrich ran the information through the computer in his car and discovered that appellant had an outstanding warrant. This process took less than a minute.

On learning of the warrant, Deputy Goodrich arrested appellant and searched him, discovering six business checks belonging to other people in his pocket. During the booking process, Deputy Goodrich discovered a small baggie inside a tire air gauge appellant was carrying. The baggie proved to be full of methamphetamine.

After the motions were denied, appellant was advised of his rights and of the consequences of pleas. He waived his rights and entered his pleas. Imposition of sentence was suspended, and appellant was placed on formal probation for three years

with the condition that he serve 180 days in county jail. The court imposed a \$200 restitution fee, \$60 in court security fees, a \$30 in criminal conviction assessment, and a \$50 lab fee with \$140 in assessments thereon. The court imposed and suspended a \$200 parole revocation fine.

We appointed counsel to represent appellant on appeal. On September 15, 2010, after examination of the record, counsel filed an opening brief in which no issues were raised. Before that date, counsel advised appellant that he could submit a supplemental brief on his own behalf, and sent appellant a copy of the record on appeal and the brief. Also on September 15, 2010, we advised appellant that he had 30 days in which to submit by brief or letter any argument or contention he wished this court to consider. No response has been received from appellant to date.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

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ARMSTRONG, Acting P. J.

We concur:

MOSK, J.

KRIEGLER, J.